



62-68 Folders Lane, Burgess Hill, RH15 0DX

Planning Statement

March 2022

Project	Folders Lane, Burgess Hill
ABC Reference	ABC/0088/05
Local Authority	Mid Sussex District Council
Client	Greenplan Designer Homes

Issue	Final
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Date	March 2022

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1. Introduction

1.1 This Planning Statement has been prepared by Andrew Black Consulting on behalf of Greenplan Designer Homes in respect of a full planning application for residential development at the rear of 62-68 Folders Lane, Burgess Hill ("the Site").

1.2 The proposal seeks full planning permission for the following development:

Replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one, two, three, and four bedroom dwellings (Use Class C3), new access and associated infrastructure

1.3 The site is within Mid Sussex District Council and the application is supported by the following plans and documents (in accordance with the local validation requirements):

- Plans and Elevations
- Design and Access Statement
- Drainage Strategy
- Ecological Impact Assessment Report
- Foul Sewage and Surface Water (Drainage)
- Energy Statement
- Transport Statement
- Road Safety Audit and Designers Response
- Arboricultural Survey
- Tree Survey and Impact Assessment

1.4 This Planning Statement includes the following sections:

- Site and Surroundings;
- Planning History;
- Description of Proposed Development;
- Planning Policy;
- Planning Obligations; and
- Conclusions

2. Site and Surroundings

- 2.1 The application site is located to the rear of existing housing on Folders Lane in Burgess Hill. The site is surrounded on all sides by housing with the existing homes on Folders Lane to the North, the Folders Grove new housing development by Jones Homes to the South, development to the east at the rear of 74 Folders Lane, and rear gardens of existing properties to the west.
- 2.2 The site is located within a 20 minute walk to Burgess Hill Town Centre and Train Station with a wide variety of services in easy reach of the site.

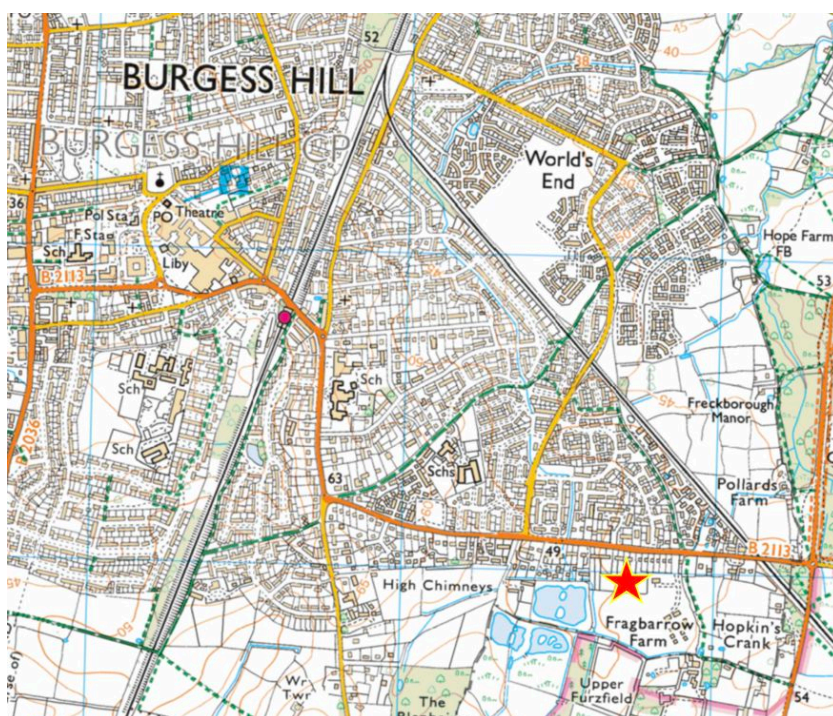


Figure 1 – Location Plan

- 2.3 The site is not located within an area of flood risk.
- 2.4 The site is not within a Conservation Area nor is it in proximity to any designated or non-designated heritage assets.
- 2.5 Part of the site is currently outside of the settlement boundary as indicated on the proposals map accompanying the adopted district plan. However, the site will be included within the settlement boundary upon adoption of the Site Allocation DPD, which is at an advanced stage. The existing properties on Folders Lane are within an area of protected townscape value.

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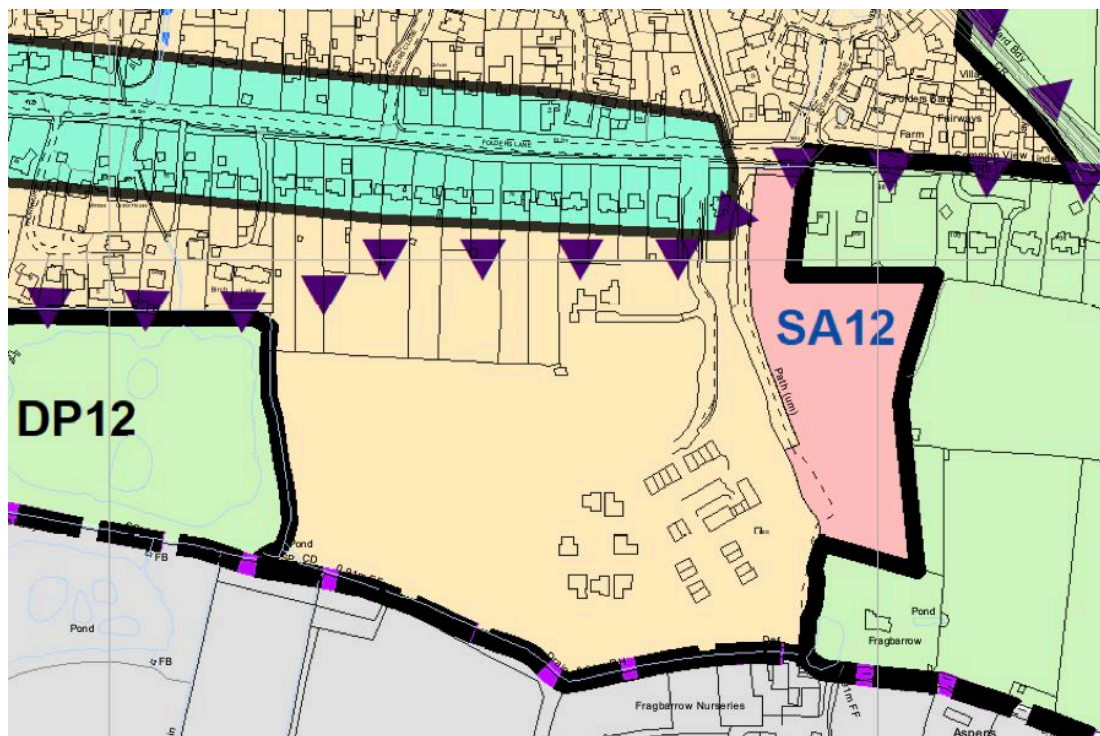


Figure 2 – Extract from Site Allocations DPD proposals map

3. Planning History

3.1 There are a number of previous applications which cover the area covered by the application site.

Planning Application Reference	Description of Development	Decision
Rear of 60A-78 Folders Lane		
10/0276/FUL	Development to provide a mix of 27 two, three, four and five bedroom dwellings (Use Class C3), new access and associated infrastructure	Refused 23 Nov 2010
Notes: 		
11/00380/FUL	Development to provide a mix of 23 two, three, four and five bedroom dwellings (Use Class C3), new access and associated infrastructure	Refused 26 July 2011 Appeal Dismissed

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Notes:



Site outside of settlement boundary at time of appeal.

DM/15/0939	Development of 10 residential units and associated infrastructure to the rear of 60a-78 Folders Lane	Application Withdrawn
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Adjoining Developments

- 3.2 There are a number of adjoining approved developments which provide context to the development of land to the rear of the existing housing on Folders Lane. As set out, Site SA12 (Land South of 96 Folders Lane), to the west of the site, is allocated for 40 dwellings within the Site Allocation DPD.

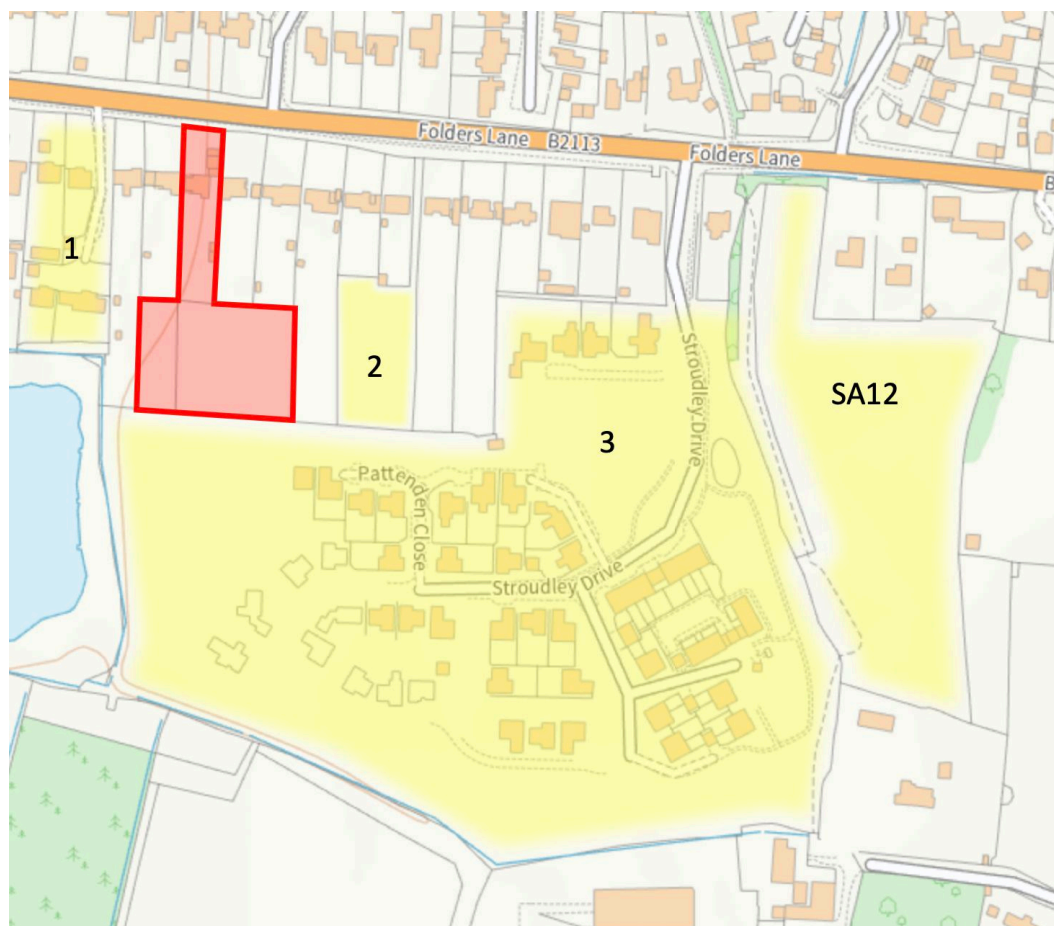


Figure 3 – Adjoining Developments

Planning Application Reference	Description of Development	Decision
1) 60 Folders Lane		
14/03584/FUL	60 Folders Lane Demolition of chalet bungalow and ancillary buildings to form 3 x 5 bedroom properties with detached garage and 1 x 6 bedroom property with detached garage	Approved Feb 2015
2) 74 Folders Lane		
DM/17/3855	Residential development comprising four detached dwellings (2 four bedroom and 2 five bedroom) with garages	Approved March 2021

3) Land rear of 88 Folders Lane		
14/04492/FUL	Demolition of 88 Folders Lane and residential development of 73 dwellings (a mix of 2, 3, 4 and 5 beds), including 30 percent affordable housing and associated infrastructure	Appeal allowed June 2017

4. Proposed Development

4.1 The application seeks detailed planning approval for the following development:

Replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one, two, three, and four bedroom dwellings (Use Class C3), new access and associated infrastructure



Figure 4 – Proposed Site Plan

4.2 The development seeks the replacement of the existing house at 64 Folders Lane with a 5 bedroom detached house. Other approved developments along Folders Lane are also served by a road between existing houses along the frontage.



4.3 The schedule of accommodation for the remaining dwellings is as follows:

Plot No.	House Type	Tenure	Area (sq m)
1	1 Bed Apartment	Affordable	62.0
2	2 Bed Maisonette	Affordable	76.0
3	1 Bed Apartment	Affordable	50.0
4	2 Bed Maisonette	Affordable	85.0
5	1 Bed Apartment	Affordable	50.0
6	2 Bed Maisonette	Affordable	85.0
7	3 Bed Semi-detached House	Market	126.0
8	3 Bed Semi-detached House	Market	113.0
9	4 Bed Detached House	Market	166.5
10	3 Bed Semi-detached House	Market	132.0
11	3 Bed Semi-detached House	Market	232.0
12	4 Bed Detached House	Market	266.5
13	4 Bed Detached House	Market	222.0
14	4 Bed Detached House	Market	222.0
15	3 Bed Semi-detached House	Market	126.0
16	3 Bed Semi-detached House	Market	113.0
17	4 Bed Detached House	Market	139.0
		Total	2,066.0

5. Planning Policy

Planning Policy Context

- 5.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires any planning application to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.2 The Development Plan for MSDC comprises:
- Mid Sussex District Plan 2014-2031 (Adopted March 2018)
 - Small Scale Site Allocations Document (2008)
 - Saved Policies of Mid Sussex Local Plan (Adopted May 2004)
 - Burgess Hill Neighbourhood Plan
- 5.3 The following supporting documents published nationally, regionally and by MSDC, represent material considerations in determining the planning application:
- The National Planning Policy Framework (2018) (NPPF);
 - The National Planning Policy Guidance (NPPG);
 - Development Infrastructure and Contributions SPD
 - Affordable Housing SPD
 - Development Viability SPD
- 5.4 The following planning policy documents are currently being prepared by MSDC which are considered to hold material weight in the determination of this reserved matters application:
- Site Allocations DPD
 - Design Guide SPD

Five Year Housing Land Supply and Housing Delivery

- 5.5 The Council is currently able to demonstrate a five-year housing land supply of 5.59 years, as confirmed in an appeal decision in December 2021 (APP/D3830/W/20/3264213).
- 5.6 The latest Housing Delivery Test results as published in January 2022 show that the council delivered 124% of its housing requirement in the preceding 3-year period as follows:

	2018-19	2019-20	2020-21	Total
Housing Required	876	802	583	2261 (100%)
Housing Delivered	651	1995	1136	2793 (124%)

Site Allocations DPD

- 5.7 MSDC has prepared a draft site allocations DPD to support the adopted District Plan. The DPD recommends the allocation of 22 housing sites, 7 employment site and a Science and Technology Park.
- 5.8 Consultation was carried out in 2019 and 2020 and hearing sessions took place in June 2021. Following hearing sessions and the completion of Action Points, the Inspector provided suggested modifications which were subject to consultation from November 2021 to January 2022. It is currently anticipated that the DPD will be adopted in Spring 2022.
- 5.9 As set out, the document makes several amendments to the settlement boundary which include this site being included within the settlement boundary for Burgess Hill to reflect the surrounding adjoining developments.

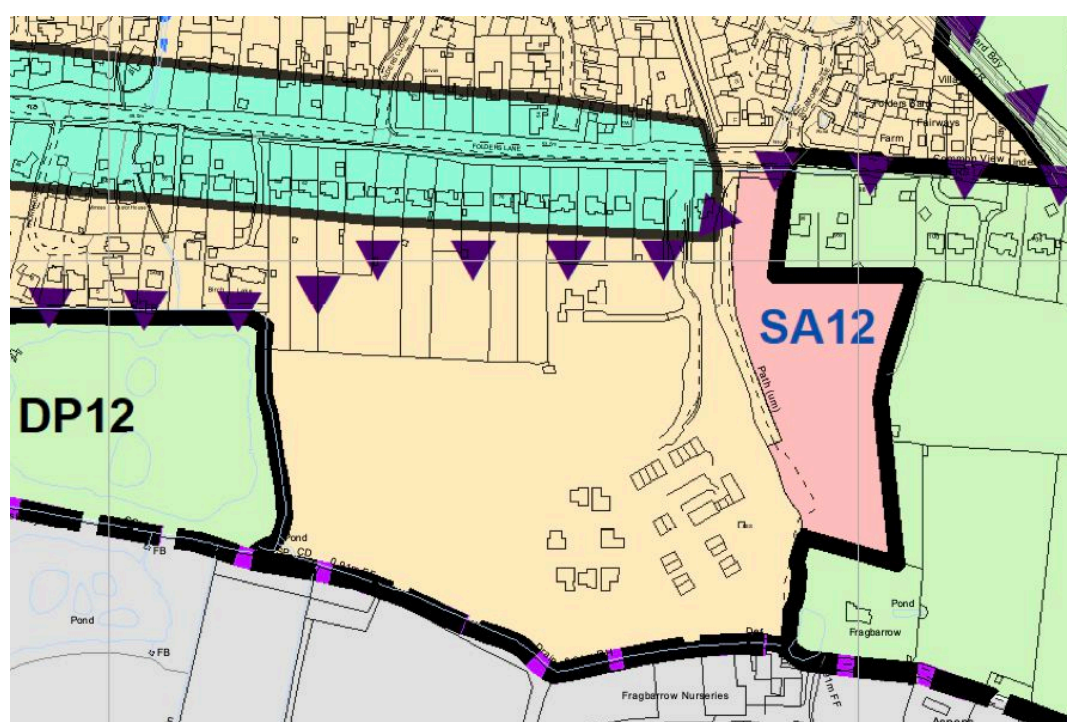


Figure 4 – Site Allocations DPD Extract

- 5.10 Site SA12 (Land South of 96 Folders Lane), to the west of the site, is allocated for 40 dwellings within the DPD.
- 5.11 None of the proposed modifications relate to the settlement boundary in this location. Even in the event that SA12 were not allocated, the settlement boundary would still be adjusted to take into account the Folders Grove Development and this site can essentially be seen as ‘infill’ development.
- 5.12 It is considered that the Site Allocations DPD would be an ‘emerging plan’ as set out in paragraph 48 of the NPPF as follows:

Local planning authorities may give weight to relevant policies in emerging plans according to:

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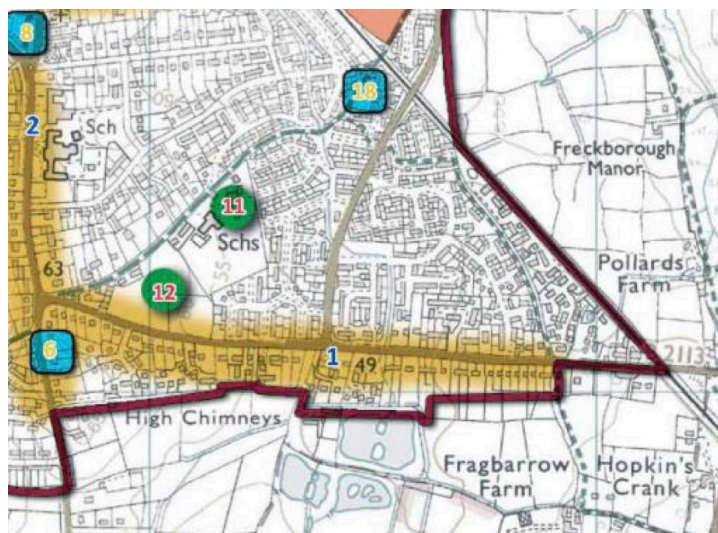
- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

5.13 Given the advanced status of the examination for the Site Allocations DPD and lack of objections from the inspector on the amendments to the settlement boundary in this location it is considered that the inclusion of the site within the settlement boundary must be given significant weight in the determination of this application.

Burgess Hill Neighbourhood Plan

5.14 The Burgess Hill Neighbourhood Plan (BHNP) was adopted in October 2015 and covers the period from 2015-2031.

5.15 Part of the site is located outside of the boundary of the Neighbourhood Plan and settlement boundary as set out in the proposals map in appendix 1 of the BHNP.



5.16 The conflict of Neighbourhood Plan policies with up-to-date policies is referenced in paragraph 30 of the NPPF which states:

*Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; **unless they are superseded by strategic or non-strategic policies that are adopted subsequently.***

5.17 It is considered that the Site Allocations DPD would supersede the Neighbourhood Plan policies.

District Plan Review

- 5.18 The process to review the Mid Sussex District Plan was started in 2021. At the MSDC Scrutiny Committee for Housing, Planning and Economic Growth on January 2022 it was agreed to pause progress of the review whilst further work is carried out. An updated timetable for the District Plan will be published in due course. At this stage, no weight, can be given to any of the policies or strategies within it.

Mid Sussex District Plan

- 5.19 The Mid Sussex District Plan was adopted in March 2018 and sets out the strategy to meet the requirement of 16,930 dwellings over the plan period.
- 5.20 **Policy DP4** of the plan sets out a stepped housing trajectory to meet this need and will deliver an average of 876 dwellings per annum until 2023/24 increasing to 1,090 between 2024/25 and 2030/31. This policy also sets out the commitment of the council to prepare a Site Allocations DPD to be adopted in 2020 which will identify further sites with a capacity of 5 or more dwellings.
- 5.21 Policy DP4 sets out that of the 16,930 dwelling requirement a total of 7,091 dwellings will be made up from *Total Housing Commitments (including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP10) and allocations in made Neighbourhood Plans).*
- 5.22 It is considered that the site would provide a contribution to the ongoing housing requirement for MSDC in a sustainable location within the settlement boundary.
- 5.23 **Policy DP26** sets out a number of criteria which are required from developments in relation to character and design. These are set out below and comments provide against each:
- The development is of high quality design and layout and includes appropriate landscaping and greenspace;*
- 5.24 The DAS sets out the approach to the design of the proposed development and it is demonstrated that it is in compliance with existing and emerging policy on design. Reference is made to the comments of the Urban Designer in relation to the previous application and the design response to these for the proposed development.
- 5.25 Section 5 of the DAS sets out the approach to Access and Crime Prevention which also highlights the approach to frontages and security
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- 5.26 Sections 5.4 DAS highlights the sensitive approach to the scale of the development which will respect the established character of the surrounding area.

protects open spaces, trees and gardens that contribute to the character of the area;

- 5.27 The Arboricultural Survey, as prepared by PJC, demonstrates that the development will protect existing trees and adjoining residential gardens.

protects valued townscapes and the separate identity and character of towns and villages;

- 5.28 The DAS sets out the understanding of the existing context of the area. Subsequent sections of the DAS set out how the development seeks to protect the character of the surrounding area.

does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);

- 5.29 The DAS demonstrates compliance with the emerging Design SPD and highlights how the scheme has been designed to avoid significant harm to the amenity of surrounding residents and future occupiers.

creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;

- 5.30 The DAS sets out the approach to pedestrian and cycle access of the development.

Incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;

- 5.31 The DAS sets out the approach to parking strategy and demonstrates that impact on the street scene is minimised through use of garages and appropriate driveway parking.

positively addresses sustainability considerations in the layout and the building design;

- 5.32 The DAS demonstrates the comprehensive approach of the applicant to sustainability and healthy place making.

take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;

- 5.33 This element is not relevant to application by virtue of the size of the proposal.

optimises the potential of the site to accommodate development

- 5.34 It is considered that the proposed development seeks to optimise the potential for development of the site whilst taking a sensitive approach to the character of the surrounding area.

- 5.35 It is therefore considered that the application is fully compliant with policy DP26.

5.36 **Policy DP27** sets out the approach to Dwelling Space Standards and states that:

Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

5.37 All proposed dwellings meet the nationally described space standards as highlighted in the schedule of accommodation as submitted with the application.

5.38 It is therefore considered that the application is fully compliant with policy DP27.

5.39 **Policy DP30** sets out the approach to housing mix and states that housing development should comply with following criteria:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

5.40 The proposed development provides an appropriate mix of both private and affordable housing with the provision of one, two, three and four bedroom dwellings. .

5.41 The proposed affordable housing provides a mix of dwelling types and tenures as set out in the Affordable Housing Statement and this will be secured through the use of a section 106 agreement

5.42 It is therefore considered that the application is fully compliant with policy DP30.

5.43 **Policy DP31** sets out the approach to affordable housing on development sites and sets the following criteria:

- 1) *the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m;*
- 2) *for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3) *on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4) *a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5) *free serviced land for the affordable housing*

5.44 The proposed development provides a total of 35% of affordable housing with a split of social/affordable rented and intermediate which will be secured through a section 106 agreement. This provision is in excess of the 30% requirement and is a matter which should be given significant weight in the determination of this application.

5.45 It is therefore considered that the application is compliant with policy DP31.

5.46 **Policy DP38** sets out the approach to biodiversity and sets out the following criteria:

5.47 Biodiversity will be protected and enhanced by ensuring development:

Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and

Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and

Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and

Promotes the restoration, management and expansion of priority habitats in the District; and

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Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

5.48 A Preliminary Ecological Appraisal (PEA) has been undertaken by PJC Ecology and is submitted with this application.

5.49 It is considered that the application is fully compliant with policy DP38.

5.50 **Policy DP39** sets out the approach to Sustainable Design and Construction and states that:

All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience*

5.51 The DAS sets out the approach to Sustainable Development and explains the approach to water efficiency, materials and domestic waste and recycling.

5.52 It is therefore considered that the application is fully compliant with policy DP39.

5.53 **Policy DP41** sets out the approach to Flood Risk and Drainage and sets out the following criteria:

Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.



Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1) Infiltration Measures*
- 2) Attenuation and discharge to watercourses; and if these cannot be met,*
- 3) Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.

- 5.54 A drainage report has been submitted with this application which demonstrates that the application is fully compliant with policy DP41

Saved Local Plan Policies

- 5.55 Policy H3 sets out the following in relations to development within built-up areas as follows:

Within defined built-up areas permission will be given to proposals for residential development where the following criteria are met:

- (a) the development does not involve the significant loss of an area of nature conservation or an open or wooded area of land which in its own right makes an important contribution to the urban environment and cannot be satisfactorily replaced or compensated for;*
- (b) the land or building is not within an established business area and is not allocated for any other use in this Local Plan;*
- (c) efficient use is made of the land in terms of density and as general guidance residential development should be provided at average net densities of at least 30 dwellings per hectare;*
- (d) the character and form, respects that of the locality (a detailed site and landscape appraisal together with a design statement will be required);*

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- (e) *includes a high quality environment for prospective occupiers including appropriate landscaping and open space;*
 - (f) *the provision for car parking and vehicle manoeuvring does not significantly reduce garden areas, including front gardens, or adversely affect adjoining property; and*
 - (g) *the requirements of design policies B1 and B2.*
- 5.56 *In Conservation Areas and Areas of Townscape Character infill and redevelopment proposals will be carefully controlled to ensure that the specific character of the area is preserved.*
- 5.57 It is only the front section of the site that is covered by policy H3. As set out, the existing house at 64 Folders Lane will be replaced by a new detached dwelling. The replacement dwelling is in a similar style to the existing building with a reduction in built form to the front with the removal of the double garage and separate single garage.



Figure 6 – Existing dwelling at 64 Folders Lane



Front Elevation

Figure 7 – Proposed front elevation for the replacement dwelling at 64 Folders Lane

- 5.58 It is considered that the replacement of the existing dwelling at 64 Folders Lane and the provision of an access drive to development at the rear would not cause any harm to Area of Townscape Character and would replicate existing examples of this form of development elsewhere on Folders Lane.

Mid Sussex Small Scale Housing Allocations DPD

- 5.59 The Small Scale Housing Allocations DPD was adopted in April 2008 and intended to cover the period up to 2016, in advance of the grant of the outline planning permission.
- 5.60 The site was not identified within the DPD and it is not considered relevant in the determination of this application.

Development Infrastructure and Contributions SPD

- 5.61 The Development Infrastructure and Contributions SPD was adopted in July 2018 and subsequently updated in October 2019.

Affordable Housing SPD

- 5.62 The Affordable Housing SPD was adopted in July 2018 and sets out the approach to the delivery of affordable housing on development sites.
- 5.63 The proposed development will provide 35% affordable housing which is in excess of the requirement as set out in the District Plan and the Affordable Housing SPD. The tenure split



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and mix will be secured by way of section 106 agreement with an aspiration to achieve 25% affordable rented dwellings and 75% intermediate.

Design Guide SPD

- 5.64 The Design Guide SPD was adopted in 2020 and established the design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.
- 5.65 The DAS sets out an assessment of the proposal against the criteria within the SPD and it is considered that the proposed development would comply with the criteria set out within the SPD.



6. Planning Obligations

6.1 The Section 106 agreement will secure the affordable housing tenure and mix.

6.2 In addition the agreement will make allowance for contributions to the following matters:

- Educations (£132,000)
- Library (£20,000)
- Fire (£2,000)
- Healthcare (£22,000)
- TAD Contribution (£28,000)
- Policy Contribution (£2,000)



7. Conclusions

- 7.1 Overall it has been demonstrated that the application is wholly in accordance with the development plan and other material considerations.
- 7.2 This planning statement demonstrates that the proposed development is of high quality and will comply with the requirements of planning policies and guidance at local and national level. The proposed development represents a significant opportunity for the supply of housing to meet local need.
- 7.3 It is respectfully requested that this application is approved.